
HOUSE BILL 1111

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Taylor, Shea, Kretz, Short, McCune, and Condotta

Read first time 01/12/11. Referred to Committee on Local Government.

1 AN ACT Relating to federal and state government coordination with
2 local governments; adding a new section to chapter 35.21 RCW; adding a
3 new section to chapter 35A.21 RCW; adding a new section to chapter
4 36.01 RCW; and adding a new chapter to Title 36 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
7 to read as follows:

8 (1) If the ordinances, regulations, plans, or policies of a city
9 are less restrictive than applicable federal or state laws or
10 requirements, the city must demand, by any lawful means, that the
11 federal or state government coordinate with the city before the federal
12 or state government implements, enforces, expands, or extends the
13 federal or state law or requirement within the jurisdictional boundary
14 of the city. The coordination demand required by this subsection may
15 be waived through a resolution adopted by a majority of the city
16 legislative body.

17 (2) If the federal or state government fails to coordinate in good
18 faith with the city, the legislative body of the city must hold two or

1 more public hearings, consider the evidence, and vote on whether to
2 authorize litigation to enforce the coordination rights of the city.

3 (3) If a person who resides or conducts business in the state
4 serves each member of the legislative body of the city with a written
5 demand that the city comply with this section, and if within sixty days
6 after service of the demand, the legislative body fails to comply with
7 this section in a manner that causes injury to the person, the person
8 may submit a written demand for a response. Written response demands
9 under this subsection must specify the city ordinance, regulation,
10 plan, or policy with which the federal or state government failed to
11 coordinate. Within thirty days after receiving the written demand for
12 a response under this subsection, the legislative body of the city must
13 hold a public hearing to present information on the decision to not
14 demand coordination.

15 (4) The definitions in this subsection apply throughout this
16 section unless the context requires otherwise.

17 (a) "City" means an incorporated city or town.

18 (b) "Coordinate" means the action necessary to achieve
19 coordination.

20 (c) "Coordination" means the process by which the federal or state
21 government seeks in good faith to reach consistency between a federal
22 or state law or requirement and a city ordinance, regulation, plan, or
23 policy.

24 (d) "Less restrictive" means a city ordinance, regulation, plan, or
25 policy imposes, or would impose, less of a burden on the exercise of
26 rights, privileges, or immunities enjoyed by individuals,
27 organizations, and businesses within the jurisdictional boundaries of
28 the city.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21 RCW
30 to read as follows:

31 (1) If the ordinances, regulations, plans, or policies of a city
32 are less restrictive than applicable federal or state laws or
33 requirements, the city must demand, by any lawful means, that the
34 federal or state government coordinate with the city before the federal
35 or state government implements, enforces, expands, or extends the
36 federal or state law or requirement within the jurisdictional boundary

1 of the city. The coordination demand required by this subsection may
2 be waived through a resolution adopted by a majority of the city
3 legislative body.

4 (2) If the federal or state government fails to coordinate in good
5 faith with the city, the legislative body of the city must hold two or
6 more public hearings, consider the evidence, and vote on whether to
7 authorize litigation to enforce the coordination rights of the city.

8 (3) If a person who resides or conducts business in the state
9 serves each member of the legislative body of the city with a written
10 demand that the city comply with this section, and if within sixty days
11 after service of the demand, the legislative body fails to comply with
12 this section in a manner that causes injury to the person, the person
13 may submit a written demand for a response. Written response demands
14 under this subsection must specify the city ordinance, regulation,
15 plan, or policy with which the federal or state government failed to
16 coordinate. Within thirty days after receiving the written demand for
17 a response under this subsection, the legislative body of the city must
18 hold a public hearing to present information on the decision to not
19 demand coordination.

20 (4) The definitions in this subsection apply throughout this
21 section unless the context requires otherwise.

22 (a) "City" means any noncharter code city or charter code city.

23 (b) "Coordinate" means the action necessary to achieve
24 coordination.

25 (c) "Coordination" means the process by which the federal or state
26 government seeks in good faith to reach consistency between a federal
27 or state law or requirement and a city ordinance, regulation, plan, or
28 policy.

29 (d) "Less restrictive" means a city ordinance, regulation, plan, or
30 policy imposes, or would impose, less of a burden on the exercise of
31 rights, privileges, or immunities enjoyed by individuals,
32 organizations, and businesses within the jurisdictional boundaries of
33 the city.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01 RCW
35 to read as follows:

36 (1) If the ordinances, regulations, plans, or policies of a county
37 are less restrictive than applicable federal or state laws or

1 requirements, the county must demand, by any lawful means, that the
2 federal or state government coordinate with the county before the
3 federal or state government implements, enforces, expands, or extends
4 the federal or state law or requirement within the jurisdictional
5 boundary of the county. The coordination demand required by this
6 subsection may be waived through a resolution adopted by a majority of
7 the county legislative body.

8 (2) If the federal or state government fails to coordinate in good
9 faith with the county, the legislative body of the county must hold two
10 or more public hearings, consider the evidence, and vote on whether to
11 authorize litigation to enforce the coordination rights of the county.

12 (3) If a person who resides or conducts business in the state
13 serves each member of the legislative body of the county with a written
14 demand that the county comply with this section, and if within sixty
15 days after service of the demand, the legislative body fails to comply
16 with this section in a manner that causes injury to the person, the
17 person may submit a written demand for a response. Written response
18 demands under this subsection must specify the county ordinance,
19 regulation, plan, or policy with which the federal or state government
20 failed to coordinate. Within thirty days after receiving the written
21 demand for a response under this subsection, the legislative body of
22 the county must hold a public hearing to present information on the
23 decision to not demand coordination.

24 (4) The definitions in this subsection apply throughout this
25 section unless the context requires otherwise.

26 (a) "Coordinate" means the action necessary to achieve
27 coordination.

28 (b) "Coordination" means the process by which the federal or state
29 government seeks in good faith to reach consistency between a federal
30 or state law or requirement and a county ordinance, regulation, plan,
31 or policy.

32 (c) "Less restrictive" means a county ordinance, regulation, plan,
33 or policy imposes, or would impose, less of a burden on the exercise of
34 rights, privileges, or immunities enjoyed by individuals,
35 organizations, and businesses within the jurisdictional boundaries of
36 the county.

1 NEW SECTION. **Sec. 4.** This chapter applies to any special purpose
2 district. For the purposes of this chapter, "special purpose district"
3 means any statutorily created unit of local government that is not a
4 county or city.

5 NEW SECTION. **Sec. 5.** (1) If the ordinances, regulations, plans,
6 or policies of a special purpose district are less restrictive than
7 applicable federal or state laws or requirements, the special purpose
8 district must demand, by any lawful means, that the federal or state
9 government coordinate with the special purpose district before the
10 federal or state government implements, enforces, expands, or extends
11 the federal or state law or requirement within the jurisdictional
12 boundary of the special purpose district. The coordination demand
13 required by this subsection may be waived through a resolution adopted
14 by a majority of the special purpose district legislative body.

15 (2) If the federal or state government fails to coordinate in good
16 faith with the special purpose district, the legislative body of the
17 special purpose district must hold two or more public hearings,
18 consider the evidence, and vote on whether to authorize litigation to
19 enforce the coordination rights of the special purpose district.

20 (3) If a person who resides or conducts business in the state
21 serves each member of the legislative body of the special purpose
22 district with a written demand that the special purpose district comply
23 with this section, and if within sixty days after service of the
24 demand, the legislative body fails to comply with this section in a
25 manner that causes injury to the person, the person may submit a
26 written demand for a response. Written response demands under this
27 subsection must specify the special purpose district ordinance,
28 regulation, plan, or policy with which the federal or state government
29 failed to coordinate. Within thirty days after receiving the written
30 demand for a response under this subsection, the legislative body of
31 the special purpose district must hold a public hearing to present
32 information on the decision to not demand coordination.

33 (4) The definitions in this subsection apply throughout this
34 section unless the context requires otherwise.

35 (a) "Coordinate" means the action necessary to achieve
36 coordination.

1 (b) "Coordination" means the process by which the federal or state
2 government seeks in good faith to reach consistency between a federal
3 or state law or requirement and a special purpose district ordinance,
4 regulation, plan, or policy.

5 (d) "Less restrictive" means a special purpose district ordinance,
6 regulation, plan, or policy imposes, or would impose, less of a burden
7 on the exercise of rights, privileges, or immunities enjoyed by
8 individuals, organizations, and businesses within the jurisdictional
9 boundaries of the special purpose district.

10 NEW SECTION. **Sec. 6.** Sections 4 and 5 of this act constitute a
11 new chapter in Title 36 RCW.

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